

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

EDMUND HO,

Plaintiff

v.

STATE OF NEVADA,

Defendant

Case No. 3:23-cv-00066-ART-CLB

ORDER

I. DISCUSSION

On February 14, 2023, Plaintiff Edmund Ho, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted an application to proceed *in forma pauperis*. (ECF No. 1.) Plaintiff has not filed a complaint or any other documents with his application to proceed *in forma pauperis*.

Under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. As such, the Court gives Plaintiff until **April 21, 2023**, to submit a complaint to this Court.

If Plaintiff fails to file a complaint or before **April 21, 2023**, this case will be subject to dismissal without prejudice for Plaintiff to file a new case with the Court when Plaintiff is able to file a complaint. A dismissal without prejudice means Plaintiff does not give up the right to refile the case with the Court, under a new case number, when Plaintiff is able to file a complaint.

II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that Plaintiff will submit a complaint to this Court on or before **April 21, 2023**.

IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same.

IT IS FURTHER ORDERED that, if Plaintiff does not file a complaint on or before **April 21, 2023**, this case will be subject to dismissal without prejudice for Plaintiff to refile

1 the case with the Court, under a new case number, when Plaintiff is able to file a
2 complaint.

3 DATED THIS 17th day of February 2023.

4 
5 UNITED STATES MAGISTRATE JUDGE
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28